

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Nevada Bar Number 13644

SUMMER A. JOHNSON
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6787
E-mail: Summer.Johnson@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

DARNELE J. NELSON,

Judgment Debtor,

and

RAKEMAN PLUMBING, and its
Successors or Assigns,
Garnishee.

Case No.: 2:16-cr-00165-KJD-CWH

FINAL ORDER OF GARNISHMENT

This matter is before the Court for consideration of the entry of a final order in garnishment pursuant to Section 3205 of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the Judgment Debtor, DARNELE J. NELSON.

The United States filed an Application for Writ of Garnishment seeking any nonexempt property belonging to or owed the Judgment Debtor by RAKEMAN PLUMBING, its Successors or Assigns ("Garnishee"). A Writ of Garnishment was properly served on Garnishee, which filed an Answer stating that it had in its possession, custody or control, personal property belonging to and due the Judgment Debtor in the form of wages

1 in the amount of \$357.18 per week, less child support deductions in the amount of \$84.46,
2 although it was noted that weekly pay varies based on hours worked.

3 The Judgment Debtor was served with the Writ of Garnishment and notified of their
4 right to claim an exemption or request a hearing. The Judgment Debtor requested a hearing
5 which was conducted on December 8, 2020.

6 Having considered the Application, Garnishee's Answer and noting that a hearing
7 was conducted on the matter, the Court GRANTS the United States' Motion for Final Order
8 of Garnishment and orders as follows:

9 IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Garnishee
10 is hereby ordered to pay into the hands of the Clerk, U.S. District Court, at least monthly,
11 the lesser of:

- 12 1. Twenty-five percent (25%) of Judgment Debtor's disposable earnings; or
- 13 2. All amounts of Judgment Debtor's disposable earnings in excess of 30 times the
14 federal minimum hourly wage. See 15 U.S.C. § 1673(a)

15 To calculate disposable earnings, subtract the following from wages, commissions,
16 income:

- 17 1. Federal Income Tax; and
- 18 2. Federal Social Security Tax; and
- 19 3. Other state and local income taxes (if any); and
4. Prior garnishments such as child support.

20 IT IS FURTHER ORDERED, ADJUDGED and DECREED that all monies
21 previously held by the Garnishee in accordance with the Writ of Garnishment shall
22 immediately be paid to the United States.

23 IT IS FURTHER ORDERED, ADJUDGED and DECREED that these sums are to
24 be applied to the Judgment rendered in the matter in the sum of \$6,587.18, upon which there
25 is an unpaid balance of \$6,205.21 due, as of January 6, 2021. These deductions are to
26 continue until the total amount due, plus accruing interest, is fully paid and satisfied.

1 Checks should be made payable to:

2 Clerk of the Court, U.S. District Court


3
4 Mailed to:

5 Clerk of the Court, U.S. District Court
6 333 Las Vegas Boulevard South, Suite 1334
7 Las Vegas, NV 89101

8 And bearing Judgment Debtor's name and case number:

9 2:16-cr-00165-KJD-CWH

10 Dated: 1/7/2021



11 UNITED STATES DISTRICT JUDGE